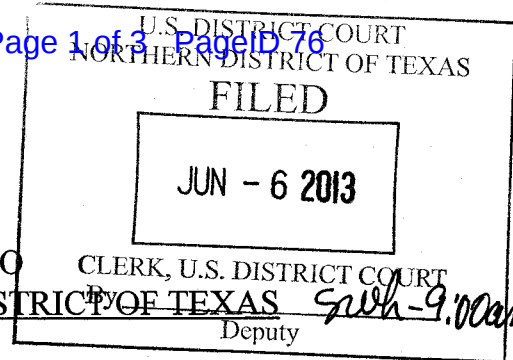


ORIGINAL

FACTUAL RESUME

UNITED STATES OF AMERICA v. JACOB RAY ALBARADO
NO. 1:13-CR-015-C - ABILENE DIVISION - NORTHERN DISTRICT OF TEXAS



INDICTMENT:

TO BE ARRAIGNED ON COUNT TWO OF INDICTMENT
1:13-CR-015-C- Charging a violation of 18 U.S.C.
§ 2252A(a)(5)(B) - Possession of Child Pornography.

MAXIMUM PENALTY:

A term of imprisonment of not more than ten (10) years, and a fine of not more than \$250,000.00. Also, a term of supervised release of up to life must follow any term of imprisonment. If Albarado violates the conditions of supervised release, he could be imprisoned and subject to additional terms of supervised release and imprisonment as determined by the Court in accordance with law.

MANDATORY
SPECIAL
ASSESSMENT:

\$100.00.

PLEA AGREEMENT:

As set forth in the Plea Agreement letter attached hereto and incorporated herein.

ELEMENTS OF
THE OFFENSE:

18 U.S.C. § 2252A(a)(5)(B) . Possession of Child Pornography:

Defendant Jacob Ray Albarado:

1. On or about the date charged in the indictment;
2. knowingly possessed the telephone described in the indictment;
3. that he knew contained one or more images or videos of child pornography, as described in the indictment; and

4. that the child pornography was produced using materials that had been mailed, or shipped, or transported in interstate or foreign commerce by any means.

"Child pornography" means any visual depiction of sexually explicit conduct where such visual depiction is of a minor engaging in sexually explicit conduct.

A "minor" is any person under the age of eighteen years.

"Sexually explicit conduct" means:

- (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (B) bestiality;
- (C) masturbation;
- (D) sadistic or masochistic abuse; or
- (E) lascivious exhibition of the genitals or pubic area of any person.

FACTS:

After befriending a 13-year-old female (hereinafter referred to as "Jane Doe,"), Albarado communicated with the girl through use of his cellular telephone over a period of more than one year. After the minor female ("Jane Doe") began a dating relationship with Albarado, on November 5, 2012, she ran away from her home in Midland, Texas, and went with Albarado to his apartment in Big Spring, Texas, in the Northern District of Texas. At the time, "Jane Doe" was 14 years old. Albarado and "Jane Doe" agreed to produce a video depicting the two of them engaged in oral-genital sexual intercourse. Albarado then held "Jane Doe's" cellular telephone and produced a video of "Jane Doe" while she engaged in oral-genital sexual intercourse with Albarado. The resulting video, entitled "MOV100.3gp," was saved on the cellular telephone, which is an LG telephone manufactured in Korea. All of the materials used to produce, or attempt to produce, the video in question, had been mailed, shipped, or transported in interstate or foreign commerce. On November 5, 2012, Albarado was in knowing possession of "Jane Doe's" LG cellular telephone, Model P500 series, described in Count Two of the indictment herein, while he knew it contained at least one image or video of child pornography.

The above facts are true and correct.

X Jacob Ray Albarado

JACOB RAY ALBARADO

Defendant

5/30/13

Date

SJG

SHERY KIME-GOODWIN

Attorney for Defendant

5/30/13

Date